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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/919,335 | 07/30/2001 | Robert C. Yen | RCY1P005 | 3171 |

22434 7590 05/06/2005

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| EXAMINER |
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NASH, LASHANYA RENEE

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| ART UNIT | PAPER NUMBER |
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2153

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,335

Applicant(s)

YEN ET AL.

Examiner

LaShanya R Nash

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This action is in response to an Amendment filed January 10, 2005.

Claims 1-15 are presented for further consideration.

Response to Arguments

Applicant's remark, see Remarks/Arguments I, with respect to priority have been fully considered. Subsequently, Examiner notes additional priority claims to provisional application 60/188982 and 60/167516. The effective filing date for the subject matter defined in the pending claims in the application is March 13, 2003.

Claim objections, see Remarks/Arguments I, with respect to claims 4, 15, and 15 under 37 CFR 1.75 (c) are withdrawn.

Applicant's arguments, see Remarks/Arguments III, with respect to claims 4 and 9-15 rejected under 35 USC 102(e), have been fully considered but they are not persuasive.

Applicant's arguments, see Remarks/Arguments IV, with respect to claims 1-3 and 5-8 rejected under 35 USC 103(a), have been fully considered but they are not persuasive.

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In considering the Applicant's arguments the following remarks are noted:

- (I) Applicant contends the portable computer readable medium storage recited in claim 4 does not correspond to a cache memory of a client machine as disclosed by Schleimer.
- (II) Applicant contends that when cache memory is utilized, there is no associated modification of the requested page.
- (III) Applicant contends that there is no teaching in Schleimer in combination with Mighdoll for use of a portable computer readable storage product that is distributed to users for the purpose of providing local content.

In considering (I), Applicant contends that the portable computer readable medium does not correspond to the cache memory of a client machine. Examiner respectfully disagrees. Schleimer explicitly discloses that the aforementioned image data caching is accomplished through employing the hard disk (figure 1-item 24) of a client machine (i.e. personal computer), (column 3, lines 12-33). Examiner asserts that hard disks are conventional semi-portable computer readable devices for use with personal computers, as evidenced by Schleimer. Schleimer further discloses that the client computer comprises a variety of portable computer readable medium, "such as random access memory (RAM), floppy disks, hard disks, CD-ROM's, read only memories, DVD, etc". Examiner additionally asserts that the rejected claims do not recite limitations requiring the portable computer readable storage product to be exclusively portable. Therefore, the hard disk, as disclosed by Schleimer,

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is determined to be consistent with the Applicant's claimed portable computer readable storage product.

In considering (II), Applicant contends that when cache memory is utilized, there is no associated modification of the requested page. Examiner respectfully disagrees. Schleimer explicitly discloses that the original page (i.e. Figure 6B-item 94) is modified to subsequently produce a process page (i.e. Figure 6B-item 98), in which the local embedded URLs are replaced with local content (i.e. cached images, Figure 104'), instead of the associated remote content in order to reduce re-connections to the host machine (column 8, lines 23-60 and column 11, lines 14-20). Examiner asserts that the image transmission method, as disclosed by Schleimer, explicitly discloses the associated modification of the requested page, and thus the Applicant's claimed invention is not patentably distinct over the reference.

In considering (III), Applicant contends that there is no teaching in Schleimer in combination with Mighdoll for use of a portable computer readable storage product that is distributed to users for the purpose of providing local content. Examiner respectfully disagrees. Examiner maintains that the hard disk, as disclosed by Schleimer, is consistent with the Applicant's claimed portable computer readable storage product, as addressed in regards to (I) above. Therefore, the Examiner maintains that the combination of Schleimer with Mighdoll teaches the use of a portable a portable computer readable storage product.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4, and 9-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Schleimer et al. (US Patent 6,249,787) hereinafter referred to as Schleimer.

In reference to claim 4, Schleimer discloses a method that involves modifying a web page to obtain data stored locally on a client computer. The reference further discloses this image transmittal method efficiently transmits images and other information over a network without increasing bandwidth (column 4, lines 37-64; column 1, lines 16-19; column 6, lines 53-57). Schleimer discloses:

- A method for modifying a web page to point to local content on a portable computer readable storage product (i.e. hard disk) instead of remote content, the method comprising, (column 4, lines 37-64; column 12, lines 3-8; column 3, lines 26-33; and column 6, lines 24-31):

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- Receiving a web page to be modified, (column 8, lines 24-26;column 5, lines 45-50;column 11, lines 13-15; and Figure 9); and
- The web page including at least one image, (column 8, lines 26-37 and Figure 6a);
- The source for the content for the image being linked to a remote location (i.e. URL), (column 8, lines 26-37;column 11, lines 13-15; and Figure 6a);
- Modifying the web page to direct retrieval of content for the image to be retrieved locally from the portable computer readable storage product instead of the remote location, (column 11, lines 14-20;column 6, lines 32-27;column 4, lines 26-37;and Figure 9).

In reference to claim 9, Schleimer discloses web browser and server process products on computer readable medium in order to implement the associated image transmittal method, (column 6, lines 15-26;column 11, lines 32-49;and column 5, lines 45-50). The image transmittal method as shown by Schleimer comprises: automatically modifying a web page to point to local content on a portable computer readable storage product (i.e. hard disk) instead of remote content, (column 4, lines 37-64;column 12, lines 3-8; column 3, lines 26-33; and column 6, lines 24-31); receiving a web page to be modified, the web page including at least one high-bandwidth content component (i.e. images, video, or audio files), (column 5, lines 59-61;column 8, lines 24-35;column 11, lines 13-15; Figure 9;column 1, line 65 to column 2, line 10; and column 6, lines 25-28); the

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source for the content for the high-bandwidth content component to be retrieved locally from the portable computer readable storage product instead of from the remote content, (column 11, lines 14-20;column 6, lines 25-31;column 12, lines 3-8;column 5, lines 45-50;and Figure 9).Therefore, Schleimer discloses executable code that specifically implements the previously stated method. This is equivalent to the software program disclosed by the applicant.

In reference to claims 10 and 14, Schleimer shows a computer readable medium (i.e. web browser and server process products) wherein the remote location is a remote server that is accessed through a network, (column 11, lines 25-64 and Figure 1).

In reference to claims 11 and 15, Schleimer shows a computer readable medium (i.e. web browser and server process products) wherein the network includes the Internet, (column 7, lines 30-35 and Figure 1).

In reference to claim 12, Schleimer shows a computer readable medium (i.e. web browser and server process products) wherein the least one high-bandwidth content component (i.e. images, video, or audio files) has a source location (i.e. URL) provided within the web page, (column 8, lines 31-37 and Figure 6a); and wherein the modifying operates to alter the source location for the least one high-bandwidth content component to point to data previously

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stored to the portable computer readable storage product (i.e. hard disk),
(column 11, lines 14-25 and column 9, lines 50-67).

In reference to claim 13, Schleimer shows a computer readable medium
(i.e. web browser and server process products) wherein the least one high-
bandwidth content component is an image, (column 1, line 66 to column 2, line
22 and column 6, lines 25-31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for
all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Schleimer as applied to claims above, and further in
view of Mighdoll et al. (US Patent 5,918,013), hereinafter referred to as
Mighdoll.**

In reference to claim 1, Schleimer discloses the aforementioned image
transmittal method to comprise substantial features of the claimed invention.
Specifically, Schleimer explicitly discloses: a method for modifying a web page to
point to local content instead of remote content, (column 4, lines 37-64);
receiving the web page to be modified, (column 5, lines 59-61; column 8, lines 24-

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26;column 11, lines 13-15;and Figure 9); scanning the web page to locate an image in the web page, (column 8, lines 26-35;column 11, lines 13-15; and Figure 9); determining whether the image is supported by an image associated with portable computer readable storage products distributed to users (i.e. modified web browser product and hard disk), (column 10, line 66 to column 11, line 20; and column 6, lines 15-24); and modifying the web page to direct retrieval of content for the image to be retrieved locally from the portable computer readable storage products, (column 11, lines 14-20;column 6, lines 25-31;column 12, lines 3-8;column 5, lines 45-50;and Figure 9). However, Schleimer fails to disclose determining whether the image is supported by an image database. Nonetheless, this modification to the image transmittal method would have been obvious to one of ordinary skill in the art at the time of the invention, as further evidenced by Mighdoll.

In an analogous art, Mighdoll discloses a method that involves accessing images stored in a document database and subsequently retrieving the images from cache memory, in order to pre-fetch large web page components, (column 5, lines 40-58;column 6, line 7 to column 7, line 5; column 12, lines 28-39; and Figure 5). This modification would have been obvious because one of ordinary skill in the art would have been so motivated to implement accessing the document database so as to increase processing and downloading speed of requested web pages, (Mighdoll column 12, lines 37-39).

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In reference to claim 5, Schleimer discloses the previously addressed features of the claimed invention as well as a method for creating portable readable storage products (i.e. web browser product and hard disk) to be distributed to users, (column 6, lines 15-31; column 10, line 66 to column 11, line 12; column 11, lines 32-36; and column 12, lines 3-8) comprising: receiving web pages to be modified, (column 9, lines 44-50; and column 5, lines 59-61); scanning the web pages to locate high-bandwidth content (i.e. images, video, or audio files), (column 9, lines 49-55; column 1, line 65 to column 2, line 10; and column 6, lines 25-28); and creating portable readable storage products for distribution to users by storage of high-bandwidth content to the portable computer readable storage products, (column 6, lines 15-30; column 10, line 66 to column 11, line 12; column 12, lines 3-8; and column 5, line 45-50). However, Schleimer does not disclose: determining whether the high-bandwidth content is supported by a database that stores high-bandwidth content; adding the high-bandwidth content to the database when the determining determines that the high-bandwidth content is not yet supported by the database; and storing high-bandwidth content from the database to the computer readable storage products. Nonetheless, one of ordinary skill in the art at the time of the invention would have readily recognized the advantages associated with these modifications to the image transmittal method disclosed by Schleimer.

Mighdoll discloses a method involving: determining whether a requested document with high bandwidth content (i.e. images) is supported by the document database; and subsequently adding newly retrieved documents to the

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database, (column 8, lines 28-43 column 6, line 7 to column 7, line 5; and Figures 5-6). Mighdoll further discloses storing a recently requested document from the database onto the cache (i.e. portable computer readable storage product). As a result, it would have been obvious to one of ordinary skill in the art to modify the method according to the aforementioned limitations. One of ordinary skill in the art would have been motivated to implement the modification so as to reduce the number of re-connections required between a client and a host machine for web page downloading (i.e. remote location), thereby improving network performance, (Schleimer column 6, lines 50-55).

In reference to claim 2, Schleimer and Mighdoll show an image transmittal method wherein: the image has an image tag (i.e. URL) that provides a remote address for the remote content for the image, (Schleimer column 8, lines 31-37 and Figure 6a); and wherein the modifying operates to modify the image tag to point to the portable computer readable storage products instead of the remote content, (Schleimer column 11, lines 14-25 and column 9, lines 50-67).

In reference to claim 3, Schleimer and Mighdoll show an image transmittal method that further comprises: adding the image to the image database when the determining determines that the image is not yet supported by the image database, (Mighdoll column 6, line 7 to column 7, line 5 and column 8, lines 28-45).

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In reference to claim 6, Schleimer and Mighdoll show an image transmittal method wherein the high-bandwidth content is images, (Schleimer column 1, line 66 to column 2, line 22 and column 6, lines 25-31).

In reference to claim 7, Schleimer and Mighdoll show an image transmittal method that further comprises: distributing the portable computer readable storage products (i.e. modified web browser product and hard disk) that have been created to users, (Schleimer column 11, lines 1-11; column 6, lines 15-22; and column 12, lines 15-22).

In reference to claim 8, Schleimer and Mighdoll show an image transmittal method that further comprises: modifying the web pages to direct retrieval of content for the high-bandwidth content (i.e. images, video, or audio files) locally from the portable computer readable storage products (i.e. modified web browser product and hard disk), (Schleimer column 11, lines 1-20; column 6, lines 25-31; column 12, lines 3-8; column 5, lines 45-50; and Figure 9).

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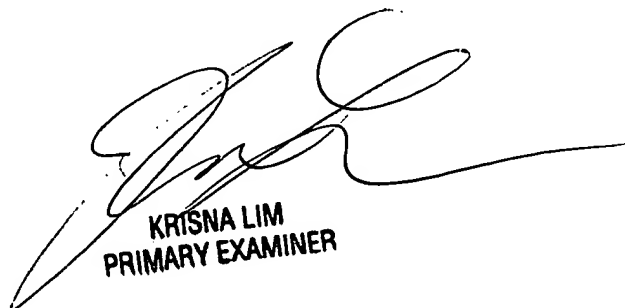
Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax number for the organization where this application or proceeding is assigned is (703) 746-7239. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LaShanya Nash



KRISNA LIM
PRIMARY EXAMINER